IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 764 of 2005

Between:

Muthangi Venkata Butchi Ramaiah, S/o. Late Ayyanna,
R/o. Nandigama (V), Bhadrachalam Mandal, Khammam District.

..... PETITIONER

AND

1 The Sub-Collector-cum-Settlement Officer, Bhadrachalam,

Khammam District.
2 The Director of Settlements, Andhra Pradesh, Hyderabad.
3 The Commissioner, Survey, Settlement & Land Records Office of

the Commissioenr, Land Administration,
Government of Andhra Pradesh, Hyderbad.
4 The Mandal Revenue Officer, Bhadrachalam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the 1st and 3rd respondents and their staff in taking steps to dispossess the petitioner and also taking steps to assign the lands of the petitioner in respect of the land admeasruing Hec.18.00 in R.S.No.78/2, situated at Nandigama Village, Bhadrachalam Mandal of Khammam District without issuing any notice, despite pendency of the appeal before the 3rd respondent is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 1 and 3 and their staff not to dispossess the petitioner from his land and pass such other or further orders

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents 1 and 3 in taking steps to dispossess him and to assign the lands of the petitioner admeasuring Hec.18.00 in R.S.No.78/2, Nandigama village, Bhadrachalam Mandal, Khammam district.

The petitioner claims to be in peaceful possession and enjoyment of the subject land having acquired the same by way of succession from his ancestors who are the original patta holders. It is alleged that the first respondent without conducting any enquiry, issued proceedings dated 29-7-1980 in Case No.9071/77 rejecting the patta. On coming to know about the said order, the petitioner stated to have filed an appeal before the second respondent on 15-12-2004 and the same was rejected by order dated 31-12-2004. Aggrieved by the said order, the petitioner filed a statutory Second Appeal on 11-1-2005, together with an application for interim order, before the 3rd respondent. The petitioner alleges that without passing any orders, the respondents are taking steps to dispossess the petitioner and to assign the subject land to third parties.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the statutory Second Appeal filed by the petitioner on 11-1-2005 is pending consideration before the third respondent, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the third respondent to pass appropriate orders in accordance with law, either on the main appeal or on the interlocutory application, within a period of six weeks from the date of receipt of copy of this order. Till then, status quo existing as on today shall be maintained.

Accordingly, the writ petition is disposed of. No costs.

27-1-2005 N .V. RAMANA,J

TVK

REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Sub-Collector-cum-Settlement Officer, Bhadrachalam, Khammam District.
2. The Director of Settlements, Andhra Pradesh, Hyderabad.
3. The Commissioner, Survey, Settlement & Land Records Office of the Commissioenr, Land Administration, Government of Andhra Pradesh, Hyderbad.
4. The Mandal Revenue Officer, Bhadrachalam, Khammam District.
5. 2CCs to Government Pleader for Revenue, High Court buildings, Hyderabad (OUT)
6. 2CD copies
7. 2CCs to

Form-NIC-OGS/WP(SPJS)